REMARKS

Claims 1-6 are now pending in the application. Amendments have been made to the specification as set forth in the substitute specification. Amendments have been made to the claims to overcome the rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to for use of improper English. As required, Applicant has submitted a substitute specification both with and without markings. No new matter was included. The concern of the examiner with regard to the use of proper idiomatic English has been addressed by the substitute specification. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER DOCTRINE OF DOUBLE PATENTING

Claims 1-6 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 09/881,195. Applicant has submitted a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application, Form PTO/SB/25. It is believed that the Terminal Disclaimer overcomes the Double Patenting rejection. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the double patenting rejections.

REJECTION UNDER 35 U.S.C. § 101

Claims 1-6 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed. Claim 1 as amended recites an automatic evaluation method including the steps of comparing simulation result data with reference data prepared in advance and reporting whether the target program operated correctly based on whether the simulation result data agrees with the reference data. By comparing the data and indicating whether the target program operated correctly, an automatic evaluation is carried out, and a useful, concrete, and tangible result is provided. The method is therefore directed to statutory subject matter.

Claim 3 as amended recites an automatic evaluation system with evaluation means for comparing the simulation result data with reference data prepared in advance and output means for indicating whether the target program operated correctly based on the comparison. By providing means for comparing the data and means for indicating whether the target program operated correctly, an automatic evaluation is performed by the system, and a useful, concrete, and tangible result is provided. The system is therefore directed to statutory subject matter.

Claim 5 as amended recites a storage medium storing an automatic evaluation program, wherein the program comprises steps of comparing simulation result data with reference data and indicating whether the program operated correctly based on the comparison. The program carries out the automatic evaluation by comparing the data and indicating whether the program operated correctly. In this way, an automatic evaluation is performed by the program, and a useful, concrete, and tangible result is provided. The storage medium storing an automatic evaluation program is therefore directed to statutory

subject matter.

With regard to claims 2, 4, and 6, Applicant notes that each either directly or indirectly depends from claims 1, 3, and 5, which are directed to statutory subject matter. Therefore, claims 2, 4, and 6 are also directed to statutory subject matter. Applicant respectfully requests withdrawal of the rejections.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claim 1 recites the step of performing a simulation of at least one operation of a target system operating a target program in response to the input event. The recited step is neither vague nor indefinite. The concern of the examiner with regard to the meaning of the term simulation has been addressed by the amendment.

Claim 1 also recites the step of capturing simulation result data by referring to an output screen when the output screen is renewed, which occurs a number of times corresponding to a number of valid states of the output screen expected to result from the input event. The recited step is neither vague nor indefinite. The concerns of the examiner with regard to the meaning of the number of times and with regard to the term renewed have been addressed by the amendment.

Claim 1 also recites the step of comparing the simulation result data with reference data prepared in advance corresponding to the valid states of the output

screen. The recited step is neither vague nor indefinite. The concern of the examiner with regard to the meaning of reference data has been addressed by the amendment.

Claim 2 as amended recites that the number of valid states of the output screen is stored alongside data of the input event. The claim is neither vague nor indefinite. The concern of the examiner with regard to the interpretation of the claim have been addressed by the amendment.

Claim 3 as amended recites an automatic evaluation system with "output screen reference means for, while a simulation of at least one operation of the target system operating the target program is being performed, capturing the simulation result data by referring to the output screen when the output screen is renewed, which occurs a number of times corresponding to a number of valid states of the output screen expected to result from the input event." The recited means are neither vague nor indefinite. The concern of the examiner with regard to the meaning of the term simulation has been addressed by the amendment. In addition, the concern of the examiner with regard to the meaning of the term reference and the meaning of the term renewed have been addressed by the amendment.

Claim 3 as amended recites an automatic evaluation system with "evaluation means for comparing the simulation result data with reference data prepared in advance which corresponds to the valid states of the output screen expected to result from the input event." The recited means are neither vague nor ambiguous. The concern of the examiner with regard to the meaning of the term reference data has been addressed by the amendment.

Claim 4 as amended recites an automatic evaluation system with "a simulation unit which performs the simulation and reports a display rewriting completion event when the output screen is renewed, wherein the display rewriting completion event is reported the number of times corresponding to the number of valid states of the output screen expected to result from the input event." The claim is neither vague nor indefinite. The concern of the examiner with regard to the term number of times has been addressed by the amendment.

Claim 5 as amended recites a storage medium storing an automatic evaluation program, the automatic evaluation program comprising "a step of performing the simulation by simulating at least one operation of the target system operating the target program in response to the input event." The step is neither vague nor indefinite. The concern of the examiner with regard to the meaning of the term simulation has been addressed by the amendment.

Claim 5 as amended recites "a step of capturing the simulation result data by referring to the output screen when the output screen is renewed which occurs a number of times corresponding to a number of valid states of the output screen expected to result from the input event." The step is neither vague nor indefinite. The concern of the examiner with regard to the terms referring and renewed have been addressed by the amendment.

Claim 5 as amended recites "a step of carrying out an automatic evaluation by comparing simulation result data with the reference data prepared in advance which corresponds to the valid states of the output screen expected to result from the input

event." The step is neither vague nor indefinite. The concern of the examiner with regard to the reference data have been addressed by the amendment.

Claim 6 as amended recites that "the step of capturing the simulation result data by referring to the output screen occurs when a display rewriting completion event is received from a simulator." The claim is neither vague nor indefinite. The concern of the examiner with regard to the meaning of automatic evaluation has been addressed by the amendment.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Low et al. (U.S. Pat. No. 5,218, 605). (Applicant notes that the reference in the action to Patent No. 5,218, 611 appears to be a typographical error and assumes that the intended reference is to Patent No. 5,218,605). This rejection is respectfully traversed.

Applicant notes that claim 1 as amended recites an automatic evaluation method with the step of "performing a simulation of at least one operation of the target system operating the target program in response to the input event." Claim 3 as amended recites an automatic evaluation system with output screen reference means that capture simulation result data "while a simulation of at least one operation of the target system operating the target program is being performed." Claim 5 as amended recites a storage medium storing an automatic evaluation program with the step of "performing the simulation by simulating at least one operation of the target system operating the

target program in response to the input event." Low does not teach or suggest these claim elements.

The Low reference discloses a system whereby an application is operated normally and input data is played back and sent to the application to simulate user input. (Low, Col. 3, lines 11-14; Col. 5, lines 6-15, lines 23-27, lines 36-39, lines 45-50; Col. 6, lines 18-25). The Low system does not simulate the operation of the target system operating the target program in response to the input event. Rather, the Low system simulates user input only, and communicates the simulated user input to the application program that is being operated in its normal environment. By performing a simulation of an operation of a target system operating a target program, the present invention is distinguishable from the Low system that simulates only user input.

Applicant notes that claims 1, 3, and 5 recite capturing the simulation result data by referring to the output screen when the output screen is renewed, which occurs a number of times corresponding to a number of valid states of the output screen expected to result from the input event." Low does not teach or suggest capturing simulation result data in this manner.

The Low system appears to capture all possible output screen results and store those output results it determines to be the most prevalent by use of a histogram. (Low, Col. 7, lines 11-34). Thus, the Low system does not refer to the output screen when the output screen is renewed, which occurs a number of times corresponding to a number of valid states of the output screen expected to result from the input event. In this way, the present invention is distinguishable from the Low system.

Applicant notes that claim 2 directly depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 1-3 and 5 define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Low (U.S. Pat. No. 5,218,605) as applied to claims 3 and 5 and further in view of Triantafyllos et al. (U.S. Pat. No.5,233,611). This rejection is respectfully traversed.

Applicant notes that claims 4 and 6 directly depend from claims 3 and 5, which define over the Low reference as described in detail above. Therefore, claims 4 and 6 define over the Low reference as well.

Further, Applicant notes that claims 4 recites "a simulation unit which performs the simulation and reports a display rewriting completion event when the output screen is renewed, wherein the display rewriting completion event is reported the number of times corresponding to the number of valid states of the output screen expected to result from the input event." Claim 6 recites that "the step of capturing the simulation result data by referring to the output screen occurs when a display rewriting completion event is received from a simulator." Neither Triantafyllos nor Low teach or suggest the use of a display rewriting completion event.

The Triantafyllos system appears to rely on a communication program, separate from the Triantafyllos application program under test and from the Triantafyllos automated function test program. (Triantafyllos, Col. 3, lines 53-62; Col. 4, lines 52-58). The Triantafyllos communication program appears to be notified by a function of the

Triantafyllos application program that communication is required. The Triantafyllos communication program appears to carry out the request and write a done message to a semaphore. The Triantafyllos done message is not functionally equivalent to a display rewriting completion event. The Triantafyllos done message is not reported by a simulation unit as in claim 4 or a simulator as in claim 6. The Triantafyllos done message appears to be reported by a communication program subsequent to a communication request.
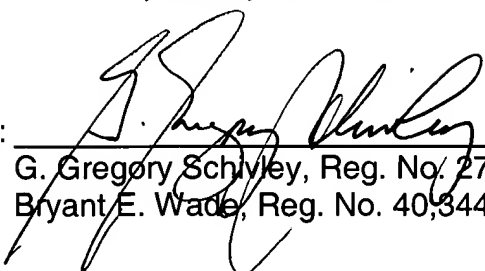
Triantafyllos and Low, separately and in combination, do not teach or suggest reporting a display rewriting completion event when an output screen is renewed, as in claim 4, or capturing simulation result data by referring to an output screen when a display completion event is received form a simulator, as in claim 6. Therefore, claims 4 and 6 define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _March 29, 2005_

By: _(signature)_
G. Gregory Schivley, Reg. No. 27,382
Bryant E. Wade, Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GGS/BEW/MPD